

Amendments to the Drawings:

The attached replacement drawing sheets include changes to FIGS. 1, 2 and 3, which have been amended to comply with the requirements of 37 CFR §1.121(d).

REMARKS

Applicants acknowledge, with appreciation, the indication that claims 14-18 contain allowable subject matter. Claims 12-22 are now currently pending, with claim 1 being the sole independent claim. The Abstract of the Disclosure has been amended. Claims 14 and 20 have been amended. The amendments to claim 14 are cosmetic in nature. No new matter has been added. Reconsideration of the above-identified application, in view of the following amendment and remarks, is respectfully requested.

The Abstract of the disclosure has been objected to. In response to the objection, applicants have attached herewith an Abstract which has been amended in the required manner. No new matter has been added. Withdrawal of the objection is therefore requested.

The Examiner has stated that “Fig. 1 box elements 6-8 should be identified with appropriate legends. Likewise in Fig. 2 for box elements 15 and 20 and in Fig. 3 for box elements 30, 31 and 40.” In response to this objection to the drawings, applicants submit herewith replacement sheets containing revised FIGS. 1-3 which have been amended in the required manner. Entry of the replacement sheets is respectfully requested.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response to the foregoing, applicants have amended claim 20 in the suggested manner. Withdrawal of this rejection under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

Claims 12 and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 2002/0178813 (“*Babala*”). Claims 13 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Babala* in view of U.S. Patent No. 6,564,637 (“*Schalk*”). For the following reasons, reconsideration and withdrawal of the rejections are respectfully requested.

Applicants disclose and claim a method for monitoring a rotation rate sensor having a vibration gyro, which represents a bandpass filter and is part of at least one control loop which comprises digital and analog components and excites the vibration gyro by supplying an excitation signal at its natural frequency. In accordance with the disclosed method, an output signal is tapped off from the vibration gyro, from which the excitation signal and a rotation rate signal are derived by filtering and amplification (see pg. 1, lines 5-13 of the specification as originally filed).

The claimed method permits monitoring by measuring analog signals and characteristic values within the digital components, which are compared with limit values using redundant analog components and at least one analog/digital converter (see pg. 1, lines 25-29 of the specification as originally filed).

The claimed method thus allows substantially complete monitoring of the rotation rate sensor during its operation, where faults are identified not only in the analog components but also in the digital components. However, this does not preclude the performance of measurements for further monitoring at other given times, such as when the rotation rate sensor is switched on, and in particular when the ignition is switched on or when the motor vehicle is stationary (see pg. 1, line 30 thru pg. 2, line 8 of the specification as originally filed).

Independent claim 1 recites the step of “tapping an output signal from the vibration gyro, the excitation signal and a rotation rate signal being derived from the output signal by filtering and amplification”. *Babala* fails to teach or suggest this claimed step.

Babala relates to a method for performing a diagnostic test on an angular rate sensor. *Babala* (paragraph [0003]) expressly states that “[a]ngular rate sensors are widely used in many commercial applications, such as, for example, attitude control systems for automobiles, a gyroscope for a navigation system included in a moving object or a hand-shake compensating

system for video cameras". However, paragraph [0003] of *Babala* is the only place in which a gyroscope is mentioned.

Independent claim 12 includes the limitation "a vibration gyro which represents a bandpass filter". Independent claim 12 also recites that an output signal is tapped from this vibration gyro, where an excitation signal and a rotation rate signal is derived from the output signal by filtering and amplification. Without a specific teaching of the claimed vibration gyro, *Babala* thus fails to teach or suggest this claimed step. Independent claim 12 is therefore patentable over *Babala*.

The Examiner cites *Schalk* in an attempt to cure the shortcomings of *Babala*, i.e., "modulating the signal and further processing", as recited in dependent claim 13. *Schalk* relates to "a sensor self-testing device, a method for sensor self-testing and an acceleration sensor" (see col., 2, lines 36-38). According to *Schalk*, the sensor includes, *inter alia*, "a resonant structure ... an actor unit to excite the structure to cause an initial, periodic oscillation, an element to generate an output signal ... and one of a detector and an isolator respectively configured to detect and isolate [a] test signal from the output signal that is generated by a second periodic vibration of the structure that is superposed on the first vibration" (see col. 2, lines 39-48). *Schalk* (col. 2, lines 53-59) explains that "[t]he sensor may also include elements configured to generate the second periodic vibration of the structure, and the first and second periodic vibration may be generated, e.g., by the same actor elements. The second vibration may also be generated by mechanical crosstalk. In operation, the vibrations of the structure are detected to generate the output signal".

However, *Schalk* fails to teach or suggest the tapping step of independent claim 1 that is performed on a vibration gyro as recited in independent claim 12. In fact, there is no mention in *Schalk* whatsoever of a vibration gyro. Consequently, the combination of *Babala* and *Schalk*

fails to achieve the method of independent claim 12, since *Schalk* fails to provide what *Babala* lacks.

In view of the foregoing, independent claim 12 is patentable over *Babala* and/ or *Schalk*. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are in order, and a notice to that effect is requested.

In view of the patentability of independent claim 12, dependent claims 13-22 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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